

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 01/07/10 have been fully considered but they are not persuasive.

The examiner still believes that the combination of the different references can easily be combined in order to overcome the claimed language. For example, Savin et al discloses most of the structure limitations of claim 1 disclosing a delivery system having a balloon, a coated stent and a lubricating material located between the delivery system and the stent. Michal et al discloses one embodiment disclosing a delivery system having a catheter covered completely with a drug or lubricious material (see col. 6, lines 40-42) and then another embodiment disclosing a coated stent over a delivery system. Finally, Wang also discloses a delivery system having a lubricious material over the entire surface of the catheter. For the above reasons, the Examiner believes that the inventive part of this application (the Examiner believes that is the coated stent over a lubricious coat on a catheter) is clearly disclosed in the prior art. Not all the structure limitations are in one reference but the prior art clearly show lubricious material over a catheter, lubricious material between a catheter surface and a stent and coated stents in order to treat a blood vessel. For the above reasons, the examiner believes that the combination of a stent having a coating and a catheter having a lubricious coat is not patentable.

Regarding the Applicant's representative arguments with respect to the Savin reference (lacking adhesion resistant treatment along the length of the stent), the Examiner agrees with that statement. However, the examiner wants to point out as disclosed above, Savin et al discloses most of the structure limitations claimed by the Applicant's representative (claim 1). For

example, Savin et al discloses a catheter having a coating of lubricious material between part of the stent and the catheter except for a lubricious material along the entire length of a coated stent. However, the Michal and the Wang references clearly disclose a coated stent and a catheter covered by a lubricious layer.

By showing these three references, the examiner wants to show that it will be obvious to one ordinary skill in the art to combine the coated stent with one of the catheters shown by Michal or Wang references disclosing a catheter coated completely by a lubricious material. It is well known in the art to have a catheter coated by a lubricious material in order to facilitate the deployment of the catheter or stent within the patient's blood vessel. Therefore, if the lubricious coatings of the Michal or Wang references run along the whole length of the catheter then the lubricious material will run along the length of the stent.

See Michal, col. 2, lines 40-42.

See Wang, see col. 3, lines 29-36.

For the above reasons the Examiner believes that the previous rejection is still proper.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-11 and 24-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savin et al US Patent 4,950,227 in view of Michal et al US Patent 6,287,285 B1 and in further view of Wang et al US Patent 5,902,631.

Savin et al discloses a coated implant delivery system comprising an implant delivery device (10) with a first end (14), a second end (proximal portion of catheter), an inner lumen (lumen within the balloon used to expand balloon) and a stent (16). The first end has a releasable implant retention region (14), the region has an accessible surface (surface of the balloon), and the accessible surface has a first implant adhesion-resistant coating (see col. 4, lines 55-57). The releasable implant retention region has two coaxial sleeves (18 & 20).

Regarding claims 3 & 11, see Fig. 2.

However, Savin et al, does not disclose a stent having a first implant coating, an adhesion resistant coating covering along the entire length of the implant, an exterior of the second end of the implant delivery device treated with a second adhesion-resistant coating, a second adhesion-resistant coating on the accessible surface and a non-adhesive coating made of hydrogel, carbowax or PEO.

Michal et al teaches a stent having a coating for the purpose of delivering therapeutic and pharmaceutical agents to a targeted area (see Figs. 10-12; and col. 12, lines 23-29; col. 12, lines 59-67; col. 13, lines 1-16; col. 4, lines 10-22).

Wang et al teaches a medical device having a plurality of lubricious coatings for the purpose of having different lubricity gradients along a specific area. Additionally, the Wang et al reference discloses that the coating can optionally extend over all of segments 20 and 16 (see col. 3, lines 29-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the stent of the Savin et al reference to add a therapeutic coating of the Michal et al reference in order to deliver therapeutic and pharmaceutical agents to a

targeted area to inhibit or prevent restenosis and add a coating of the lubricious coating over the entire catheter.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J. Stewart whose telephone number is 571-272-4760. The examiner can normally be reached on Monday-Friday 7:00AM-5:30PM(1 Friday B-week off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Isabella can be reached on 571-272-4749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin J Stewart/
Primary Examiner, Art Unit 3774

April 21, 2010.